

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JEFFREY ZIBBELL, et al.,

Plaintiff,

v.

Case No. 2:07-cv-96  
HON. R. ALLAN EDGAR

JENNIFER GRANHOLM, et al.,

Defendants.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S**

**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action . The Report and Recommendation was duly served on the parties. The Court has received from the Plaintiffs a “Rebuttal of Report and Recommendation Motion for Summary Judgment” which the court will consider as objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made.

Plaintiffs have conceded that the Report and Recommendation is correct. Plaintiffs have further stated that an award in excess of 20 million dollars is appropriate in this case. Whether Plaintiffs can ultimately succeed on their remaining claim is not an issue presently before the Court.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #24) is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that, with the exception of Plaintiffs’ Americans With Disabilities Act (ADA) claims, Plaintiffs’ complaint is DISMISSED as frivolous. Plaintiffs’ ADA

claims shall be served on Defendants Michigan Department of Human Services, Michigan Department of Community Mental Health, Marquette County Resource Management, Alger-Marquette Community Action Board, Upper Peninsula Power Company, Marvin Plotezka and Keith Greenwald.

FINALLY, IT IS ORDERED that Plaintiffs' motion for summary judgment (Docket #6) and motions for injunctive relief (Docket #11 and #12) are DENIED.

Dated: 8/23/07

/s/ R. Allan Edgar  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE